

CAP

Office of the Clerk-Magistrate
United States District Court
1 Courthouse Way, Suite 2300
Boston, Mass 02210

Re: Case NO. 04-2731, Curry Vs. Commonwealth of MA
United States Court of Appeals, For the First Circuit

Dear Mr. Anastas:

please be advised, per order of Court, under Local Rule 22.1(b)
I am respectfully requesting that a Certificate of appealability
be filed in this Court. As this Honorable Court can see
it is very important that I follow the rules and procedures
according to law. please note my request for an application
to file a Certificate of Appealability in this Court.

I will inform the Clerk's office at the Court of Appeals
for the 1st Circuit, that I have submitted a request
I Thank you for your time in this matter.

Sincerely,
William J. Curry,
pro-se Defendant

US District Court
Case No: 04-CV-12442

please Send All legal documents, I submitted to this Court
on 12/2/04 to the Clerk's office, for the Court of Appeals.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 04-2731

WILLIAM J. CURRY

Petitioner - Appellant

v.

COMMONWEALTH OF MASSACHUSETTS

Respondent - Appellee

ORDER OF COURT
Entered: 12/28/04

This court has docketed petitioner-appellant's appeal from the denial of his petition for writ of habeas corpus under 28 U.S.C. Sec. 2254. The case cannot go forward unless a certificate of appealability issues. 28 U.S.C. Sec. 2253. A request for a certificate of appealability must first be sought in the district court. See Local Rule 22.1(b).

It does not appear that petitioner-appellant has filed a request for a certificate of appealability in the district court. Accordingly, we direct petitioner-appellant to apply for a certificate of appealability from the district court forthwith. We further order petitioner-appellant to file a status report in this court by **1/27/05** and every thirty days thereafter, informing us that he has applied for a certificate in the district court and advising us of the status of that application. We further order petitioner-appellant to inform us immediately once the district court reaches a decision on the application for a certificate.

If a status report is not filed by **1/27/05**, and at thirty-day intervals thereafter, this appeal may be dismissed for want of diligent prosecution.

By the Court:

Richard Cushing Donovan, Clerk

By **MARGARET CARTER**
Chief Deputy Clerk

To: William J. Curry